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Report of the Special Rapporteur on the situation of human rights in Eritrea*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the situation of human rights in Eritrea prepared pursuant to Council resolution 35/35. In her fifth and final report, the Special Rapporteur highlights key human rights developments in Eritrea since June 2017. The overall assessment of the human rights situation on the ground remains grim, with no meaningful progress to address specific human rights violations found. The Special Rapporteur concludes with a list of recommendations to the Government of Eritrea and other actors aimed at improving the enjoyment and protection of human rights for all Eritreans.

* The present report was submitted after the deadline in order to reflect the most recent developments.

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I. Introduction

1. In her report to the Human Rights Council pursuant to Council resolution 35/35 the Special Rapporteur on the situation of human rights in Eritrea highlights key developments relating to human rights in Eritrea since June 2017. In this fifth and last report to the Council by the current mandate holder, she also reflects on the six years during which she served in this capacity.

2. In the report the Special Rapporteur considers the implementation of the recommendations of the commission of inquiry on human rights in Eritrea, which found in its final report to the Council in 2016 (A/HRC/32/47) that there were reasonable grounds to believe Eritrean authorities had committed and continued to commit crimes against humanity in the country. To date, there has been no accountability for continuing and past human rights violations and crimes against humanity.

3. The Special Rapporteur thanks the Human Rights Council for the trust and confidence placed in her by appointing her in 2012 as the first mandate holder on the situation of human rights in Eritrea. She also thanks those Member States that invited her to engage with members of the Eritrean diaspora in their respective countries, and other stakeholders. By giving her access, they showed their commitment to finding durable solutions regarding the situation of human rights in Eritrea. She also remains indebted to the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the unfailing support provided during her tenure.

4. The Special Rapporteur sincerely thanks survivors of human rights violations, family members, relatives and witnesses, who entrusted her with their life stories, dreams and hopes, confident that she would use them with the utmost care and respect for their right to inherent dignity to alert the international community about the plight of Eritreans who have suffered human rights violations and to amplify their calls for justice. Since the beginning of her tenure, as indicated in her first report to the Council (A/HRC/23/53), the Special Rapporteur has striven to give a voice to Eritreans who have experienced human rights violations.

5. The Special Rapporteur also thanks representatives of civil society for the invaluable support provided throughout her tenure. Their responsiveness, analysis and advocacy have been helpful. The side events organized by civil society on specific issues in the margins of the sessions of the Council and the United Nations General Assembly have contributed to the wider dissemination of information within the international community, including among Member States.

A. Lack of access

6. The Special Rapporteur endeavoured to implement her mandate in a constructive, independent and impartial manner. She kept open channels of communication at all times with all stakeholders, most importantly with the Government of Eritrea. It is regrettable that the Government did not avail itself of these opportunities for meaningful dialogue.

7. For the sixth year in a row, the Government of Eritrea did not cooperate with the Special Rapporteur and did not provide her access to conduct in-country visits. However, the Special Rapporteur would like to reassure Member States that the denial of access has not hindered her work, even though she would have preferred to obtain information directly from those living in Eritrea and who were otherwise unable to interact with her. Member States are called upon to provide access in accordance with the terms of reference for agreed country visits (see E/CN.4/1998/45), with no preconditions attached.

8. The Special Rapporteur nevertheless believes she would not have been able to gather the type of information she has had she been invited to make a country visit. For example, permission to travel further than a 25-kilometre radius out of the capital city is still required. Few researchers get access to the country. Independent observers with a human rights brief continue to be denied access. In such circumstances, claims made by the Government regarding its adherence to human rights norms cannot be reliably verified.

9. The refusal of the Eritrean authorities to address human rights issues with the Special Rapporteur and their selective engagement with the international community on these issues are symptomatic of a broader context of denial and rejection, suggesting that the situation of human rights in the country remains critical.

B. Methods of work

10. The Special Rapporteur has adopted a victim-centred approach and relied on information provided by victims, their families and witnesses in the diaspora, including in Africa, Europe and North America, during confidential interviews. Other interlocutors have come from all walks of life, including academics, diplomats and other stakeholders, such as civil society organizations, journalists, lawyers and health-care professionals. Information obtained from various sources has been cross-checked independently and the findings corroborated.

11. Over the years, the Special Rapporteur has established a broad network of sources with diverse backgroundsin various locations to gather information on human rights issues. The "do no harm" principle and concerns for the protection of victims, witnesses and family members have guided her when deciding what is safe to be disclosed publicly. She has not used details shared with her that have not met this threshold defined by the need to protect her sources.

12. The Special Rapporteur has also used other sources of information, such as publicly available reports, including those from the Government of Eritrea and pronouncements made by government officials through the media. Furthermore, she relied on reports and publicly available information from United Nations system organizations and agencies.

C. Activities since July 2017

13. On 19 October 2017, the Special Rapporteur addressed a meeting organized by civil society to examine the situation of Eritrean refugees and asylum seekers. The meeting, which took place in Brussels, sought to identify the root causes behind the consistently high number of Eritreans fleeing the country, including children.

14. On 26 October 2017, the Special Rapporteur briefed the Third Committee at the seventy-second session of the General Assembly. She updated the Committee on the situation of human rights in Eritrea, which remained alarming, focusing on deaths in custody; mass arrests and detention used to punish, intimidate and create an atmosphere of fear; violations in the context of the indefinite military/national service; the lack of freedom of expression and religious freedom; and the continuing exodus of Eritrean refugees. She highlighted the need for refugee-receiving countries to close protection gaps in their policies. She also appealed to the international community to heed the calls by the commission of inquiry on human rights in Eritrea to ensure accountability for past and ongoing human rights violations and crimes against humanity.

15. From 27 February to 5 March 2018, the Special Rapporteur undertook a mission to the United States of America, where she met with representatives of the Government, including the State Department. She also met with recently arrived Eritrean refugees, Eritreans in the diaspora and civil society organizations. From 6 to 9 March 2018, the Special Rapporteur visited Canada to hold discussions with representatives of different governmental departments, including Global Affairs Canada and the Department of Justice. She also met with Eritreans in the diaspora. On 7 March 2018, she participated in a panel discussion at the University of Ottawa. The Special Rapporteur undertook a mission to Greece from 16 to 20 April 2018 to meet with government officials, civil society organizations, Eritreans and other stakeholders.

16. Issues discussed during the missions to the United States, Canada and Greece included the situation of human rights in Eritrea and protection for refugees. During her meetings with different stakeholders, the Special Rapporteur explored possible avenues for ensuring accountability, stressing that impunity should not be allowed to prevail; there was a need to

move ahead with measures to address victims' call for justice for human rights violations and crimes against humanity.

17. On 12 March 2018, the Special Rapporteur participated in the enhanced interactive dialogue on the situation of human rights in Eritrea held during the thirty-seventh session of the Human Rights Council. She briefed the international community about the continuing human rights violations in Eritrea, focusing on events in October 2017 and March 2018, with mass arrests and arbitrary detentions of protestors and the death in custody of the respected elder and former freedom fighter Musa Mohammed Nur.

18. The Government of Eritrea did not participate in the enhanced interactive dialogue. It nevertheless hosted a side event on 8 March 2018 in the margins of the Council session, "Demystifying Eritrea: The Ground Reality, Mining and Human Rights", with the participation of representatives from Nevsun Resources Limited, a Canadian company operating a mine in Eritrea, and Danakali Limited, an Australian company that operates a potash mine in the country in a fifty-fifty joint venture with the Government.

D. International and regional developments

19. During its sixty-second ordinary session, held in Nouakchott from 25 April to 9 May 2018, the African Commission on Human and Peoples' Rights considered the report of Eritrea, in accordance with article 62 of the African Charter on Human and Peoples' Rights and article 26 of its Protocol on the Rights of Women in Africa. The first-ever report of Eritrea covered the period 1999 to 2016.

20. In January 2018, the Government of the Netherlands declared the Eritrean Chargé d'affaires persona non grata and requested him to leave the country. This measure was taken after the parliament of the Netherlands had expressed concern about reports indicating that Eritrea continued to solicit a mandatory and coercive "recovery and rehabilitation tax" representing a 2 per cent levy on the income of Eritreans in the diaspora and Eritrean refugees in the Netherlands. Those who refused to pay were subjected to threats, harassment and intimidation.

21. After declaring a six-month state of emergency in the states of North Kordofan and Kassala, the Government of the Sudan closed it eastern border with Eritrea on 5 January 2018, indicating it was for security reasons. The border remains closed to date.

22. On 14 November 2017, the United Nations Security Council renewed the arms embargo on Eritrea until 15 November 2018. The mandate of the Monitoring Group on Somalia and Eritrea was renewed until 15 December 2018. While acknowledging the efforts made by Eritrea to engage with the international community, in its resolution 2385 (2017) the Security Council reiterated its expectation that the Government of Eritrea would facilitate the entry of the Monitoring Group into Eritrea to allow it to discharge fully its mandate.

23. Eritrea continues to host the Gulf coalition at the port city of Assab, strategically located to provide easy access to Yemen. In its 2017 report, the Monitoring Group on Somalia and Eritrea asserts that the setting up and continuing expansion of a United Arab Emirates military base near Assab, involving the transfer of military material to and exchange of military assistance with Eritrea, represents a violation of the arms embargo (see S/2017/925).

24. In November 2017, a Canadian court confirmed that a lawsuit against Nevsun Resources Limited could proceed in British Columbia, Canada. The lawsuit has been filed by Eritreans plaintiffs claiming that they had been forced to work at the Bisha mine as conscripts.[1] In January 2018, Nevsun appealed to the Supreme Court of Canada against the ruling of November 2017. The case is currently pending.[2]

[1] *Araya v. Nevsun Resources Ltd.*, 2017 BCCA 401.

[2] SCC, Case No. 37919, *Nevsun Resources Ltd. v. Gize Yebeyo Araya, et al.* Since the time of writing, the Supreme Court subsequently granted the application for leave to appeal on 14 June 2018.

E. Cooperation and engagement with the international community

25. There has been some encouraging progress concerning the external relations of Eritrea. Envoys, diplomats and parliamentarians from different countries, and high-level United Nations officials have visited Asmara. Several Governments have held bilateral dialogues on human rights with the Government of Eritrea. A number of journalists have also been allowed into the country. The Special Rapporteur welcomes these developments, which suggest that Eritrea is disposed to normalize relations with the international community.

26. In particular, the Government of Eritrea invited OHCHR to visit and to organize a workshop on human rights and the administration of justice. While the Special Rapporteur welcomes these positive steps, she stresses that for such steps to be meaningful and substantive, palpable progress in the selected areas would need to be measured and communicated regularly. A critical criterion for measuring such progress is the tangible impact on the daily enjoyment of human rights by Eritreans attributable to such cooperation.

II. Updates on the human rights situation

27. The current situation in Eritrea perpetuates the patterns of human rights violations identified by both the Special Rapporteur and the commission of inquiry on human rights in Eritrea, namely arbitrary arrests and detentions; overcrowding in congested places of detention; deaths in custody; violations of freedom of expression, association and peaceful assembly; and religious persecution. Human rights violations in the context of the military/national service persist, as do restrictions on freedom of movement, with adverse impacts on fundamental rights, including violations of the rights to adequate and affordable housing and property, and the destruction of livelihoods.

28. The Special Rapporteur has noted few material changes with the potential to positively impact the situation of human rights in Eritrea and regrets to inform the Human Rights Council that there is still no constitution and no parliament where laws could be discussed and enacted and questions of national importance debated. The rule of law is not supreme; the Government and its agents are not subject to the law, thus perpetuating long-entrenched impunity for widespread human rights violations.

29. No independent human rights organizations are allowed to operate in the country. International non-governmental organizations in the country are limited only to those that the Government invites to provide services according to strict agreements.

30. It has been the Special Rapporteur's considered opinion since 2012 that widespread violations of human rights, some of which amount to crimes against humanity, including those experienced in the context of forced conscription, remain the primary cause of peoples' fateful decisions to cross international borders and become refugees. They brave the ominous dangers along escape routes because they can no longer tolerate the human rights violations they face if they remain. The clear majority leave in response to severe breaches of their human rights.

31. As recent events depict, the population continues to live in fear of arbitrary arrests and detention and the Government still controls the daily lives of its citizens, making the enjoyment of all human rights — civil, political, economic, social and cultural — a daily struggle for all Eritreans.

A. Civil and political rights

1. Arbitrary arrests and detentions and overincarceration

32. The Special Rapporteur examined at length human rights violations owing to overincarceration in her second report (A/HRC/26/45). She highlighted deplorable detention conditions, which negatively impacted on the inherent dignity of detainees, the fact that it was impossible to obtain any statistics pertaining to the prison population and the accurate number of detention facilities, both official and unofficial, commenting that such failures spoke volumes about the respect for transparency that should be integral in any system of

incarceration based on the rule of law. The commission of inquiry on human rights in Eritrea also extensively documented arbitrary arrests and detentions and prison conditions (see A/HRC/29/42 and A/HRC/32/47).[3]

33. For a decision to arrest someone to be lawful, there needs to be a legal basis. Any arrest or detention should be conducted in accordance with procedures respectful of national laws and international human rights norms. Consequently, substantive grounds of arrest or detention need to be established by national law. States are therefore under the obligation to precisely define each ground for arrest to avoid excessively broad or arbitrary interpretation and application. National laws should be aligned with international human rights standards. It follows that arrests and deprivation of liberty should not be unjust, unreasonable and unnecessary, or lack predictability; briefly put, arrests should follow due process. Furthermore, the specific manner of arrest must not be discriminatory and should be deemed to be appropriate and proportional given the specific circumstances of the case.

34. Arrests and detention used as a form of punishment for the legitimate and peaceful exercise of fundamental rights, including freedom of expression and opinion, freedom of assembly and association and freedom of religion, are deemed arbitrary.

35. The specific cases of arrest and detention that the Special Rapporteur has documented over the past 18 months show that the Government of Eritrea implemented its notorious and repeatedly documented modus operandi: mass arrests are carried out to instil fear; persons taken into custody are not allowed to exercise their rights to due process to challenge the legality of their detention; arrested persons, including children, are kept incommunicado; and family members are not formally notified of the arrests and detentions. While some family members have been able to discover the whereabouts of their loved ones through informal channels to deliver food and clothing, others are reluctant to enquire because they fear they will be arrested and detained as well. A number of illustrative cases are set out below.

36. Cases sanctioning actual or perceived critics of State policies and practices and the exercise of freedom of expression and information include:

(a) The arrest and detention of Musa Mohammed Nur, the former director of the Al Dia School in the Akhria neighbourhood of Asmara, and other committee members of the school at the end of October 2017 after they declined to apply government directives that contradicted long-established practices at the school;

(b) The arrest and detention of two journalists following the funeral of Musa Mohammed Nur in March 2018;

(c) The arrest and detention of the owner of an Internet café in 2016, presumably for his suspected involvement in the sharing of information with people outside of Eritrea, showing scenes from daily life in Asmara that the Government considers negative, such as pictures of people queuing for basic commodities.

37. Among cases concerning the exercise of freedom of association and peaceful protests are:

(a) The arrest and detention of participants in peaceful demonstrations on 31 October 2017, protesting the arrest and detention of Musa Mohammed Nur and other committee members of the Al Dia School. Many of those arrested were Al Dia school students and their parents. In the following days scores of people were indiscriminately arrested on the streets and during night house raids, mainly in the Akhria neighbourhood, without search or arrest warrants, while others were arrested on their way to work. Women and children were also arrested and detained. Reportedly, a number of the child detainees under 18 years old were released a few days later. People from Asmara were taken in lorries outside of the city, away from their families. Most of those arrested were Muslims, some of them community leaders in Akhria;

[3] See also the reports of the detailed findings of the commission of inquiry (A/HRC/29/CRP.1 and A/HRC/32/CRP.1), available on the Human Rights Council website from www.ohchr.org/EN/HRBodies/HRC/ColEritrea/Pages/ReportColEritrea.aspx.

(b) Security forces effected mass arrests of hundreds of persons after the funeral of Musa Mohammed Nur on 3 March 2018. There was a heavy military presence and the arrests started after the burial ceremony. The elderly and children were also arrested and detained.

38. Concerning the exercise of freedom of religion or belief, cases include:

(a) The arrest and imprisonment of approximately 45 people in Adi Quala during the second half of 2017. One detainee died as a result of exposure to the harsh environment and exacting prison conditions. It is unclear whether the others have been released or are still in custody;

(b) The arrest and detention of Muslim tutorial teachers at the end of 2017, presumably because of their religious teachings;

(c) The arrest and detention of religious figures at a Catholic institution during the second half of 2017.

39. In one case a man who attempted to cross the border at the beginning of 2018 was arrested and detained. He is being detained incommunicado, but his family has been able to deliver food once a week.

40. A number of cases involve "guilt by association", where a person is detained in lieu of a spouse, parent or sibling who has left the country, for example:

(a) The arrest of two siblings after their brother fled the country in 2016;

(b) The arrest and detention of a mother of three young children in November 2017 after her husband left the country.

41. These recent incidents reinforce the continuing patterns of human rights violations that have already been identified and amply documented by the Special Rapporteur, the commission of inquiry on human rights in Eritrea and other human rights organizations.

42. In Eritrea, overincarceration has serious repercussions on the health of inmates and its impact on families and society runs deep. Overincarceration, resulting in congested detention centres, remains a long-standing systemic problem. Even short periods of detention in overcrowded spaces can cause detainees to suffer recurrent physical, mental and social problems upon release.

43. The use of arrest and detention in degrading conditions as a tool for control and punishment, as well as a propensity to use remand and imprisonment rather than non-custodial options, persists. The presence of pretrial detainees in already crowded facilities inflates the numbers yet further. This state of affairs is compounded by a lack of legal representation, as the majority of lawyers are employed in the national service and the numbers in private practice are low.

44. Overcrowding is a consequence of inadequacies at all stages of the criminal justice process: an underresourced judicial system that is slow and ineffective, resulting in long delays and the denial of judicial guarantees, such as the right to be brought promptly before a duly constituted court of law and to be tried within a reasonable time.

45. Children, the elderly and women are at high risk of being adversely impacted owing to ill-treatment, the absence of legal protection, poor hygiene and inadequate nutrition and water supply in congested detention centres.

46. It is arbitrary and unlawful to arrest and detain children accompanying adults during a funeral ceremony. The Special Rapporteur spoke to the parents of an adolescent boy who was arrested after the funeral ceremony for Musa Mohammed Nur on 3 March 2018. He was with other children below the age of 18 who were rounded up just after the ceremony and taken away in several vehicles. They are all students from schools in the Akhria neighbourhood, including the Al Dia school. The child has been in incommunicado detention since his arrest. While some of the children have been released, an unknown number are still in detention. The parents are worried, not only for their own son, but for all the children still held in incommunicado detention. They are concerned about the psychological trauma and other possible inhumane treatment that the children may be experiencing.

47. Detained children are particularly vulnerable in any detention system and are therefore in need of enhanced protection and care, as stipulated in the Convention on the Rights of the Child. The detention of children is a highly abnormal situation and begs the question: while children should not be detained, save in exceptional circumstances, what measures exist in Eritrean criminal justice system detention centres to ensure that children are protected from abuse during arbitrary detention?

48. The challenging environment in Eritrean detention centres is particularly harsh for elderly people, as the centres are ill-equipped to meet the sometimes complex needs of elderly detainees. Appropriate health care remains the most important specific need of elderly people in detention. It is virtually impossible to provide a timely response to illnesses prevalent among the elderly prison population in the harsh environment of Eritrean prisons. As the commission of inquiry on human rights in Eritrea has found, "detainees on the brink of death" were often handed into the care of their families or placed under house arrest in the expectation that their death was highly likely to occur quickly, and possibly as a way to avoid being blamed for it.[4]

49. Women's experience of the criminal justice system, including imprisonment, is substantially different from men's. The arrangements under which women are held should therefore be designed to meet their specific needs, while ensuring that bias is eliminated at every level.

50. International law requires that all persons deprived of their liberty be treated with humanity and respect for their inherent dignity. Furthermore, pretrial detention should be used as a measure of last resort, to be employed only under certain well-defined conditions. For example, it is used when there is a risk that a suspect might fail to appear for trial or might interfere with witnesses, tamper with evidence or any other trial-related processes or commit further offences and there is no other way that the risk can be addressed save detention.

2. Death in custody

51. The deplorable conditions in the congested detention centres of Eritrea exacerbate the vulnerability of detainees and have proved to be death traps for many. When somebody is taken into custody, that person is in the care of the State, which means that the State has a duty of care towards that person. Therefore, when death occurs as a tragic consequence of being incarcerated, the State has failed in its duty of care. The number of Eritreans who have died in custody over the years is unknown. No explanation is provided to family members and no inquest is carried out into the circumstances of deaths in custody. At times, family members are not informed about the death of their loved ones while in custody and find out through informal channels.

52. Habtemichael Mekonen was 77 years old when he died at Mai Serwa prison, on the outskirts of Asmara, on 6 March 2018. A Jehovah's Witness for more than 55 years, he was imprisoned in July 2008 because of his religious beliefs. He refused to renounce his faith for almost ten years. The suspected cause of his death is kidney failure.

53. Jehovah's Witnesses have been persecuted since 1993 because of their political neutrality and conscientious objection to military service. President Afwerki revoked their Eritrean citizenship in October 1994.

54. On 3 March 2018, the family of Musa Mohammed Nur were informed that the respected elder, then 93 years of age, had died while in custody. He had been arbitrarily arrested and detained for almost four months. Musa Mohammed Nur was not charged or tried before a court of law. Reportedly, Musa Mohammed Nur died on 1 March, and his body was taken to a government hospital in Asmara. The family was requested to collect the body only two days later, with no explanation provided regarding the cause and circumstances of his death.

55. In February 2008, Taha Mohammed Nur, the younger brother of Musa Mohammed Nur and co-founder of the Eritrean Liberation Front, died in custody. He had been detained

[4] Ibid., para. 832.

since November 2005 without being charged or brought to a court of law for trial. Government authorities provided no explanation regarding the cause and circumstances of his death.

56. Haile Woldetensae, a former Minister of Foreign Affairs of Eritrea and one of the Eritrean "G-15", reportedly died while in custody in January 2018. His remains are believed to have been buried by four prison guards. He had been held incommunicado and in solitary confinement since September 2001, without being charged or tried. There has been no official confirmation of his death and family members in exile have appealed to the Eritrean authorities to confirm his death. The Eritrean G-15 was a group of prominent politicians arrested in September 2001 and held incommunicado since then. Several are believed to have died while in custody.

57. Habtemichael Tesfamariam, 76 years old, died in Mai Serwa prison on 3 January 2018. A Jehovah's Witness for 48 years, he was arrested in 2008 for his religious beliefs and endured the punitive prison conditions for nearly ten years, refusing to recant his faith. He is believed to have died after suffering a stroke.

58. Solomon Habtom, a former freedom fighter, died on 18 August 2017 at Karshele prison. Arrested on 10 July 2003, he is believed to have been in his late sixties. He was imprisoned for 14 years without being charged or tried in a court of law. The authorities did not provide any information regarding the cause and circumstances of his death.

59. An Evangelical Christian from an unrecognized church died in August 2017 while in prison. The person was arrested in the dead of night at his home during a house-to-house raid without any search or arrest warrant. During detention the person's health deteriorated rapidly while in custody and reportedly the detainee died on the way to the hospital. Although the real cause of death is not known, the harsh environment and exacting prison conditions took their toll.

60. While the deaths in custody mentioned above were brought to the attention of the Special Rapporteur, supporting the already well-documented pattern of deaths in custody in Eritrea, there are more that have not been documented. All deaths in custody must be investigated promptly. Investigations need to be in-depth, transparent and impartial. Bereaved families have the right to obtain answers and those who are responsible should be criminally sanctioned. Families whose loved ones have died in custody should also obtain reparations.

3. Extrajudicial killing at the border – "shoot to kill" practice

61. Instances of extrajudicial killings at the border continue. In July 2017, a young man was shot dead as he tried to cross the border near a frontier town. While there was no official communication about his death to his family, his relatives learned of his fate through informal channels, although no information about the location of his remains were passed on. No further details were shared owing to a fear of reprisals. Family members have the right to know if another member of their family is extrajudicially executed at the border and bodies should be remitted to bereaved families for burial. Above all, they need justice.

4. Freedom of expression, association and assembly

62. The Government of Eritrea, through its Minister of Information, at first tried to dismiss the protests that took place in Akhria in October 2017 as a "small demonstration by one school in Asmara" that had been dispersed.[5] While the Government has not provided any official data in connection with the subsequent arrests and detentions during both the October 2017 and March 2018 events, or the number of people injured or requiring treatment because of the excessive use of force by the security apparatus, the figures run into the hundreds.

63. After the protests in Akhria in October 2017, communication channels were jammed. Internet access was cut in certain cities, as was the telephone system.

[5] Tweet by Yemane Gebremeskel on 31 October 2017, available at https://twitter.com/hawelti/status/925451372581015552.

64. Fear to share anything that could be perceived by the Government as criticism, such as details about the arrest and detention of a relative, remains high.

65. Indiscriminate mass arrests were carried out to instil fear, quell any kind of dissent, protest or resistance in the face of human rights violations, and prevent demonstrators from assembling. The military/security forces fired gunshots and used excessive force during arrests in October 2017. Participation in the funeral of Musa Mohammed Nur on 3 March was also severely punished when the Government arrested hundreds of persons who had dared to attend.

66. There is still no free and independent reporting on the situation by Eritreans from within the country. In Eritrea, information considered to be sensitive, such as the Akhria events and those that occurred during the funeral of Musa Mohammed Nur, is suppressed.

67. International and regional human rights standards to which Eritrea has adhered, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, stipulate that the Eritrean authorities should respect freedom of expression and the right of people to assemble peacefully. The Eritrean authorities should release unconditionally and with immediate effect those arbitrarily arrested for expressing their views and demonstrating peacefully.

5. Religious persecution

68. Followers of both recognized[6] and unrecognized religions[7] continue to be targeted for their religious beliefs; persecution persists. Arrests and detention on religious grounds continued throughout the year under review. While the number of arrests and detentions of those practising an unrecognized religion were higher, followers of recognized religions were also arrested.

69. The Patriarch of the Eritrean Orthodox Church, Abune Antonios, remains under house arrest since January 2007. On 16 July 2017, Abune Antonios was brought to Enda Mariam Cathedral in Asmara during a liturgical service. It was his first public appearance since he was placed under house arrest in 2007. Allegedly, he was surrounded by security guards and did not participate in the service, or interact with anyone. According to the information received, he was subsequently escorted to different premises from those where he had previously been held.

70. During his visit to Enda Mariam Cathedral, a letter was read out, apparently in an effort to suggest that a reconciliation agreement had been reached between the Patriarch and the Government. Abune Antonios was ordered to step down, so that a new person could be appointed as patriarch instead. He refused and remains under house arrest, being monitored by a minder all day who controls access to him. Abune Antonios, who is over 90 years old, suffers from severe diabetes and high blood pressure and there are concerns about his access to health care.

71. Additionally, the Orthodox school at Enda Mariam Cathedral has been closed, with students ordered to report to State-run schools. Reportedly, priests were also arrested though it is not clear currently whether they have been released.

72. The activities of the Catholic Church in Eritrea have also been disrupted. The Government closed the minor seminary in the city of Asmara in October 2017. A Catholic nun and a priest were arrested and detained for several months in the context of the institution's closure. Other acts of persecution include prohibiting seminarians, nuns, priests and other religious figures from going abroad for further education. Additionally, Church religious superiors cannot obtain visas to travel to Eritrea for meetings or to visit affiliate congregations or orders. The authorities have also closed five clinics run by the Catholic Church in different cities, such as Dekemhare, Mendefera and Tsorona, justifying their acts by saying that these clinics duplicated the State-run ones. Allegedly, the explanation for such

[6] The Eritrean Orthodox Church, the Catholic Church, the Lutheran Evangelical Church and Sunni Islam.

[7] The Baptist Church, evangelical and Pentecostal churches and Jehovah's Witnesses, among others.

actions is that the Catholic Church does not allow its seminarians, young priests and nuns to be enlisted in the compulsory military/national service.

73. The Special Rapporteur has also received information that at least two pastors from an unrecognized church have been released earlier this year due to ill health.

74. With regard to freedom of religion, the commission of inquiry on human rights in Eritrea concluded that different attacks on freedom of religion were not random acts of religious persecution but rather part of a diligently planned policy of the Government of Eritrea to eliminate unrecognized religions. The Special Rapporteur would like to add that recent acts of persecution are aimed at further controlling those already recognized.

B. Enjoyment of economic, social and cultural rights

75. The economic conditions in Eritrea further deteriorated over the past year, with serious implications for the humanitarian situation and the enjoyment of economic, social and cultural rights by all Eritreans. Concerns about acute malnutrition and hunger were raised repeatedly with the Special Rapporteur. These individual accounts are supported by information that is publicly available, including from United Nations agencies.

76. Generally, it appears difficult even for major organizations, including United Nations agencies with a presence in the country, to monitor the humanitarian situation given the lack of reliable data and statistics. The United Nations Children's Fund (UNICEF) noted that the lack of new data remained a major challenge for accurate assessments of the situation of children and women in Eritrea.[8] The organization's 2018 "Humanitarian Action for Children" appeal is illustrative: of the 32 countries on whose behalf UNICEF launched an individual appeal in 2018, Eritrea is the only one for which the agency is unable to provide figures relating to the total number of people, including children, in need.[9]

77. The Special Rapporteur's interlocutors have highlighted their concerns about malnutrition and hunger among their family members in Eritrea. These concerns are corroborated by the Food and Agriculture Organization of the United Nations (FAO). According to the FAO Global Information and Early Warning System country brief for Eritrea in April 2018, cereal production in 2017 was estimated at below average levels owing to a prolonged dry spell between mid-July and early August 2017, impacting negatively on vegetation conditions and crop development. FAO cites drought as the main cause for the low crop production. For example, in the Mensura and Mogolo subregions ("sub-zobas") where about 13,500 and 9,900 hectares respectively were planted with cereals, the drought caused a total crop failure, with serious consequences in terms of food security and seed availability for the 2018 season. In these areas, dry conditions also affected livestock rearing activities. Regarding the coastal Northern Red Sea Region, FAO notes that drought conditions resulted in the total failure of barley, wheat and millet crops and up to 80 per cent losses of sorghum crops.

78. Accordingly, on the FAO interactive online map of 29 African countries in crisis requiring external assistance for food, the crisis in Eritrea appears to be related to widespread lack of access to food, with no figures provided.[10]

79. UNICEF, in its 2018 Humanitarian Action for Children appeal, also raised concerns about the impact of recurrent drought, which particularly affects the rural population, with fewer than 50 per cent of households able to access safe drinking water and only 28 per cent accessing improved sanitation. With reference to data from National Nutrition Sentinel Site Surveillance Systems, UNICEF raises concern about an increase in malnutrition rates over the past few years in four out of six regions of the country, estimating that 23,000 children under 5 years old will need treatment for severe acute malnutrition in 2018.

80. The African Development Bank also highlighted concerns about drought-related impacts in its *African Economic Outlook for 2018*. The Bank further noted that in 2017 the

[8] UNICEF, Eritrea Humanitarian Situation Report, December 2017.

[9] The appeal is available from www.unicef.org/appeals/eritrea.html.

[10] Available at www.fao.org/giews/country-analysis/map/en/?action=360238-.

Eritrean economy slowed more sharply than expected due to dwindling economic activities and poor weather conditions that adversely affected agricultural productivity.

81. During the reporting period, limitations regarding the amount people were allowed to withdraw from their bank accounts on a monthly basis remained in place, restricted to 5,000 nakfa. These limitations were first introduced in the context of the nakfa currency exchange programme in November 2015, when the Government decided to exchange old nakfa currency notes for new ones. The restrictions continued to hinder economic activity and further contributed to a negative business environment. The World Bank 2018 Doing Business report highlights the country's unattractive business environment, ranking Eritrea at 189 out of 190 economies assessed.[11]

82. The Special Rapporteur received information that numerous small businesses were shut down during the reporting period, essentially depriving all those concerned of their livelihoods, namely the owners of coffee shops, restaurants, hotels, cinemas, pharmacies, photography studios, workshops and clothing stores, their employees and their families. Reportedly, in Asmara and other cities, such as Keren, some 300 businesses have been shut down since November 2017. Many of the affected business owners were not formally informed of the reasons for the closures: they found that their small enterprises were sealed off overnight with a so-called "taashigu", a note from the Ministry of Local Government, pasted on the door.

1. Access to affordable and adequate housing

83. During an interview with Eritrea Television (ERi-TV) on 10 May 2018, the Minister of Land, Water and Environment, Tesfay Ghebresellasie, provided details regarding the number of houses demolished by the Eritrean authorities, arguing they had been built "illegally" or were "sold illegally".[12] In total, 2,398 houses were pulled down in four regions: Maekel (1,490); Debub (444); Gash-Barka (403); and Anseba (61). Both the Special Rapporteur and the commission of inquiry documented demolitions that had taken place in different cities in 2015 and 2016. It is unclear whether the Government intends to continue with demolitions.

84. Assuming that each house was inhabited on average by six persons, the total number of people made homeless by the demolitions would be 14,388, a figure that would include children, women and the elderly. Those affected by the demolitions are exposed to an array of additional violations of their fundamental economic, social and cultural rights, including with regard to education, health services, water and sanitation.

85. The human cost of these demolitions has been immense, compounding an already acute shortage of adequate housing in urban areas, especially in Asmara. This cost includes the disruption of family life; the temporary, and in certain circumstances permanent, interruption of children's education; further impoverishment and the devastation of individuals' entire lifetime investments; and displacement.

86. The Special Rapporteur has information about housing projects in Halibet and Sembel, where the prices of apartments range from roughly $20,000 to $75,000 and houses from $80,000 to $130,000, which is beyond the means of the majority of Eritreans. Reportedly, the entry level salary of a military/national service conscript is 450 nakfa per month, or approximately $30. There is no information about projects to provide affordable housing for the majority of Eritreans.

87. People whose houses were destroyed have no opportunity to challenge these demolitions in courts of law and no recourse to any other complaint mechanism. According to the Minister, they had access to a task force, but as he noted himself "the task force decided to take the only measures [the people] can understand, and those were demolitions".[13]

88. According to international law, demolitions should be carried out only after adequate safeguards are provided and alternatives explored following genuine consultations. Those

[11] *Doing Business 2018: Reforming to Create Jobs – Economy Profile Eritrea*.

[12] See https://www.youtube.com/watch?v=N-8PaQNcLW4 (in Tigrigna; translation provided by the Special Rapporteur).

[13] Ibid.

affected have the right to participate in decision-making at the national and community levels.[14] The right to adequate housing implies that a Government should take steps that are concrete, deliberate and targeted to fulfil this right. Eritrea, as a party to the International Covenant on Economic, Social and Cultural Rights, should guarantee at least minimum essential levels of this right by, for example, ensuring that a significant number of people are not deprived of basic shelter and housing.[15] The number of those rendered homeless (14,388) is significant when considering that the total population of Eritrea is 3.5 million. Additionally, should a State adopt a measure that would leave people worse off as a result — such as one that weakens the protection of the right to adequate housing — the State would need to demonstrate that it had weighed all the available options carefully. It should also show it considered the overall impact on all human rights of such a measure and that it fully used all its available resources in handling such impacts.

2. Land grabs and destroyed livelihoods

89. The commission of inquiry on human rights in Eritrea documented forcible evictions of the Afar, a pastoralist ethnic minority who depend on their traditional lands for their livelihood. According to reports reaching the Special Rapporteur, the Government continues to actively pursue a land policy that has legitimized forcible displacement and dispossession of indigenous populations and minorities, leading to arbitrary and uncompensated evictions. The Special Rapporteur was informed that forced evictions continue in particular in the area around Assab, the port city in the Southern Red Sea Region, an area traditionally belonging to or used by the Afar.

90. In its latest report of November 2017 (see S/2017/925, paras. 54–55), the Monitoring Group on Somalia and Eritrea described the further expansion of the military base of the United Arab Emirates in Assab, noting the continuing construction of a permanent infrastructure and facilities around the airport and a port facility adjacent to the airport. It also referred to the continuing presence of tanks and artillery of the United Arab Emirates on a site between the airport and the port facilities.

91. According to information received, the Afar people's efforts to seek compensation for their dispossession of their traditional lands during the construction of the military base in Assab were stifled. When the leaders of the Afar complained about the loss of access to their traditional lands, salt mines and fishing grounds, they were warned to refrain from further complaints. To date, there has been no response to complaints filed by the Afar community with the local administration and no compensation has been awarded. Many members of the approximately 2,000 families concerned have fled to neighbouring countries.

92. Furthermore, the Special Rapporteur received accounts of displacement of the Kunama ethnic minority. The commission of inquiry reported that the Government was resettling people in areas traditionally used by ethnic minorities, a policy that appears to continue to be applied with the resettlement of other people in areas traditionally populated by the Kunama. The Special Rapporteur is concerned that as a result of a lack of the rule of law and an independent judiciary, affected communities are not able to oppose decisions on forcible evictions or access adequate compensation in a court of law.

III. The plight of Eritrean asylum seekers and refugees

93. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), as of December 2017, close to 300,000 refugees from Eritrea were being hosted by Ethiopia and Sudan. This includes more than 112,000 Eritrean refugees in Sudan, and 164,668 Eritrean refugees in Ethiopia, with hundreds of asylum seekers continuing to cross the border monthly.

94. In 2017, the 28 European Union member States plus Norway and Switzerland recorded 706,913 asylum applications, with Eritrea figuring among the top 10 countries of origin. In total, Eritrean nationals lodged 28,049 applications for asylum — 11,000 fewer than in 2016. A slightly higher number of applications was lodged in the summer months,

[14] See UN-Habitat, "The Right to Adequate Housing: Factsheet No. 21/Rev.1", p. 3.

[15] Ibid., p. 31.

with a peak of 3,183 in September. Close to 7 per cent of all Eritrean applicants were unaccompanied children, with Eritreans representing the third largest citizenship in this category of vulnerable applicants.[16]

95. The Special Rapporteur has learned that the Eritrean authorities do not issue exit visas to children over 5 years old, which then forces families to take alternative measures to move children across borders. This is an unfortunate measure which further fuels the irregular movement of children.

96. During the period January–April 2018, Eritreans constituted the fifth most common nationality of Mediterranean Sea arrivals, with 1,810 arrivals.[17] In Italy, Eritreans were the primary nationality that arrived by sea in March 2018, comprising 23 per cent of the overall arrival numbers.[18]

97. In 2017 over 30,000 refugee and migrant children arrived in Europe via the three Mediterranean routes, over 17,000 of them unaccompanied, coming mostly from four African countries, including Eritrea. As children travelled to Europe, many experienced physical violence and kidnapping for ransom or detention by armed groups and other dangers.[19]

98. Throughout her tenure, the Special Rapporteur has raised concerns regarding the protection of Eritrean refugees and has continued to follow developments in a number of host countries during the reporting period.

99. In Switzerland, Eritreans continue to constitute the biggest group of asylum seekers and their situation has received considerable public attention. Following its decision of February 2017, the Swiss Federal Administrative Court adopted a second decision in August 2017, holding that Eritreans who had served in the Eritrean national service would not necessarily face the risk of being recalled back into service or punished if they returned.

100. In early 2018, the Swiss State Secretariat for Migration decided to reassess the temporary residence of 3,000 Eritreans with the ultimate goal of return in the absence of a readmission agreement. The Special Rapporteur is fully aware of the considerable domestic pressure to curb the large number of Eritreans seeking asylum in Switzerland. However, these people, including many unaccompanied children, are fleeing from a dire human rights situation and a policy change regarding their access to protection would be difficult to justify without any significant changes on the ground.

101. In September 2017, the United States Department of Homeland Security announced measures to expedite the deportation of Eritreans back to Eritrea. In a joint urgent appeal to the Government of the United States in December 2017, Human Rights Council special procedure mandate holders expressed serious concern over the risk of a return to Eritrea of about 700 Eritrean nationals, in potential violation of the non-refoulement principle.[20] Mandate holders argued that, given the situation in Eritrea, those forcibly returned were at high risk of being arrested, detained and subjected to ill-treatment and torture. If forcibly returned, Eritreans considered by the Government as having left the country illegally would face a risk of prolonged detention without access to legal representation and family members. The Special Rapporteur appreciates the substantive reply from the Government of the United States dated March 2018, as detailed in the communications report.

102. In a joint communication to the Government of Israel dated 19 February 2018, mandate holders raised concerns about the risk of refoulement of Eritrean nationals residing in Israel through forced relocation to third countries on the African continent, possibly not offering effective protection to those affected.[21]

103. Mandate holders also expressed concern about the extremely low recognition rate of asylum applications concerning Eritrean nationals by Israel, and the lack of recognition of

[16] See European Asylum Support Office, "Latest Asylum Trends – Overview 2017", 1 February 2018.
[17] See UNHCR, Operational Portal: Refugee Situations, "Mediterranean situation".
[18] See UNHCR, "Europe Monthly Report" newsletter, 20 April 2018, p. 1.
[19] See UNHCR, Desperate Journeys, January 2017–March 2018, p. 15.
[20] See communication dated 21 December 2017 and reply by the United States of 7 March 2018, available from https://spcommreports.ohchr.org/LatestReports/CommunicationSent.
[21] Available from https://spcommreports.ohchr.org/LatestReports/CommunicationSent.

Eritrean draft evaders and deserters as entitled to refugee status. The Special Rapporteur regrets that at the time of writing no substantive reply to the February 2018 joint communication has been received from the Government of Israel.

104. In early April, it briefly looked as if Israel had revised its policy of non-voluntary relocation of Eritrean and other nationals to African countries, with the announcement of an agreement that about 16,000 Eritrean and Sudanese nationals would be resettled to third countries to be determined, while others would receive a suitable legal status in Israel.[22] However, shortly after the announcement, the Prime Minister of Israel cancelled the agreement and promised to pursue the deportation of all Eritreans and other nationals. Once again, the future of Eritreans living in Israel remains unclear.

IV. Accountability and justice

105. The call for justice remains one of the central recommendations of the commission of inquiry on human rights in Eritrea and has guided the work of the Special Rapporteur during her final year. The Commission called for accountability for past and persistent human rights violations and crimes, including enslavement, imprisonment, enforced disappearance, torture and other inhumane acts, persecution, rape and murder.

106. In her 2017 report to the Council, the Special Rapporteur laid out the different avenues that exist at the national, regional and international levels for victims of international crimes seeking justice. In particular, she focused on options for accountability at the domestic level under the principle of universal jurisdiction. During the reporting period, she continued her efforts to raise awareness about accountability mechanisms at the domestic level, in particular regarding the important role of victims. The pursuit of justice and accountability is a long-term process that will require continued sustained advocacy efforts by all the actors involved.

V. Reflections and conclusions

107. **The Special Rapporteur commends the Eritrean authorities for their efforts to engage on human rights at both the United Nations and the regional levels. Unfortunately, such engagement has resulted in barely tangible progress in the enjoyment of human rights on the ground. Eritreans from all walks of life with whom the Special Rapporteur spoke have told her that if trust is to be rebuilt with the leadership of the country, they need to get assurances that their human rights will be respected in the short, medium and long term.**

108. **The overall assessment of the Special Rapporteur regarding the situation on human rights in Eritrea remains grim:**

(a) **The human rights landscape of Eritrea remains complex, compounded by non-respect for the rule of law and weak institutions, including the judiciary;**

(b) **The military/national service, which the commission of inquiry on human rights found reasonable grounds to believe constituted no less than the enslavement of a whole population, a crime against humanity, remains indefinite. Except for a small increase in pay in 2015, no further reform has been communicated;**

(c) **Other crimes against humanity, involving imprisonment, enforced disappearance, torture and other inhumane acts, persecution, rape and murder, continue;**

(d) **The military/national service and the people's militia detain people in a highly militarized society, making it impossible for them to enjoy a normal life. The Special Rapporteur notes with concern that the military plays a dominant role in the lives of Eritrean people and in the country's national institutions;**

[22] See UNHCR, "UNHCR and Israel sign agreement to find solutions for Eritreans and Sudanese", press release of 2 April 2018.

(e) **The Government's response to dissent is arbitrary arrests and detentions in overcrowded detention centres with no means to challenge the legality of the detentions before an impartial and independent court of law;**

(f) **Participants at peaceful demonstrations and gatherings held in compliance with international human rights standards are subjected to excessive use of force by the military and law enforcement apparatus. Demonstrators are arbitrarily detained for expressing their views when they assemble;**

(g) **The Government's actions aimed at controlling religious practice in Eritrea through different kinds of interference do not enhance the religious tolerance that has hitherto characterized the harmonious relations among different religious communities in Eritrea;**

(h) **Detainees are especially vulnerable to human rights violations, including torture, as legal procedures and safeguards, such as access to family members, lawyers and doctors, are denied;**

(i) **Pretrial detention is the norm and not the exception;**

(j) **Independent institutions that ensure the separation of powers, with checks and balances built into the system, are either weak or absent;**

(k) **The impunity enjoyed by perpetrators of crimes against humanity and human rights violations remains an unrelenting challenge to be addressed through effective measures. Repeatedly, the Government has failed to prosecute perpetrators to ensure accountability. Essentially, Eritrea has demonstrated that victims of crimes against humanity and human rights violations will not receive adequate remedies. Thus, impunity has been strengthened and entrenched, with the prospect that human rights violations will continue to be committed while perpetrators are shielded.**

VI. Recommendations

109. **The Special Rapporteur recommends that the Government of Eritrea:**

(a) **Put an immediate end to all human rights violations documented by the Special Rapporteur and the commission of inquiry on human rights in Eritrea, including the ongoing violations highlighted in the present report;**

(b) **Take into earnest consideration the recommendations expressed in the present and previous reports of the Special Rapporteur and those of the commission of inquiry on human rights in Eritrea and implement them by adopting an action plan that is specific, measurable, achievable, relevant and time bound;**

(c) **Release unconditionally all prisoners of conscience, including members of the Eritrean G-15 and those incarcerated for their religious beliefs;**

(d) **Put an immediate stop to arbitrary arrests and detentions and immediately release all those arbitrarily detained, in particular children, the elderly and women;**

(e) **Address the shortcomings of overincarceration and congested detention centres and their negative impacts, including deaths in custody by:**

(i) **Ensuring that those accused of a crime have the opportunity to present their case before action is taken against them, in accordance with the basic principles of due process;**

(ii) **Giving detainees access to legal counsel;**

(iii) **Using detention centres only for the purpose for which they are intended;**

(iv) **Developing and implementing alternatives to custodial measures, especially for children, the elderly and women and persons with precarious health;**

(f) Set up, with immediate effect, an independent oversight and complaints mechanism to review cases requiring urgent attention, including those involving persons in custody for prolonged periods without being charged or tried, persons with precarious health , children, the elderly and women, including mothers with children;

(g) Apply the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) with immediate effect;

(h) Respect and promote the right to freedom of expression, peaceful assembly and association in line with its international human rights obligations, in particular by:

(i) Holding to account members of the security forces who use excessive force and cause injury during demonstrations;

(ii) Ensuring the immediate and unconditional release of all those who are arbitrarily arrested and detained during demonstrations;

(iii) Reviewing relevant existing legislation and enacting new laws to strengthen the protection of the rights to freedom of expression and freedom of assembly, bringing the relevant national legislation into line with international and regional human rights instruments;

(i) Provide avenues of redress and access to remedies for those whose houses have been demolished or their land grabbed, in line with international human rights law, so that they are able to challenge demolitions or claim their rights to just compensation, and guarantee that they are not subjected to excessive use of force or detention;

(j) Respect land rights in relation to traditional ownership of land and access to fishing grounds to protect the livelihoods of local communities and ensure that the land can be put to new uses only with their free, prior and informed consent;

(k) Extend a standing invitation to special procedure mandate holders to visit Eritrea. In doing so, Eritrea will indicate both its preparedness to receive a country visit from special procedure mandate holders and its commitment to cooperate with the special procedures, considered as a core pillar of the international system for the protection and promotion of human rights;[23]

(l) Ensure unhindered access to all humanitarian organizations, including United Nations agencies and faith-based ones, to assist following failed harvests, drought-related hardships and other humanitarian situations, including by providing health care in isolated areas.

110. **The Special Rapporteur urges Member States and international organizations to:**

(a) Take steps towards achieving accountability for those responsible for serious human rights violations in Eritrea, including through a referral by the Security Council to the International Criminal Court following the finding of the commission of inquiry on human rights in Eritrea that there are reasonable grounds to believe that crimes against humanity have been committed;

(b) Exercise jurisdiction over crimes against humanity by acting on the findings and recommendations of the commission of inquiry on human rights in Eritrea, and thus help to protect the population of Eritrea from any further such crimes;

(c) Protect Eritreans who have sought refuge in or are transiting through a Member State's territory by abiding by the principle of non-refoulement and end bilateral and other arrangements that jeopardize the lives of those seeking asylum;

[23] For details on "standing invitations" see http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx.

(d) Urge the Government of Eritrea to adopt concrete benchmarks and deadlines to ensure consistent and tangible progress on the human rights situation in the country, namely by:

(i) Implementing the 1997 Constitution immediately or instituting constitutional reform, ensuring the participation of all, including minorities;

(ii) Carrying out necessary reforms to hold free and fair elections;

(iii) Guaranteeing the protection of the right to life, liberty and security of all Eritreans.

111. Specifically, the Special Rapporteur requests international and bilateral cooperation agencies to include a human rights component in any programme agreed with Eritrea. For example, they could provide for:

(a) The review of laws, including the civil and penal codes enacted in 2015 to align them with international human rights instruments to which Eritrea has voluntarily adhered;

(b) The incorporation of a module on the interpretation of domestic laws in compliance with human rights law as a compulsory requirement in the training of judges and all personnel with an adjudicatory function;

(c) Specifically tailored training programmes in human rights for prosecutors, lawyers, court and correctional services personnel, law enforcement agents and the military;

(d) Accelerated training programmes for judges, prosecutors, lawyers and court and correctional services personnel to enhance their capacity to handle cases in a just, fair and speedy manner;

(e) The wide distribution of and access to judicial and legal information through the publication of legal texts, court decisions and jurisprudence.

112. The Special Rapporteur appeals to the Human Rights Council to:

(a) Denounce the enduring systematic and widespread human rights violations in Eritrea, in accordance with the findings of the commission of inquiry on human rights in Eritrea;

(b) Maintain the intense scrutiny needed to improve the enjoyment and protection of human rights for all Eritreans;

(c) Recommend that the Government of Eritrea invite the following special procedure mandate holders to carry out visits to the country at the earliest possible opportunity, in accordance with the terms of reference for agreed country visits and with no preconditions attached:

(i) The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;[24]

(ii) The Special Rapporteur on the right to food;[25]

(iii) The Special Rapporteur on freedom of religion or belief;[26]

(iv) The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;[27]

(v) The Special Rapporteur on extrajudicial, summary or arbitrary executions;[28]

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[24] Request sent in 2003, latest reminder sent in 2015.
[25] Request sent in 2003.
[26] Request sent in 2004, latest reminder sent in 2005.
[27] Request sent in 2005, latest reminder sent in 2017.
[28] Request sent in 2010.

(vi) **The Special Rapporteur on the situation of human rights in Eritrea;**[29]

(vii) **The Working Group on Arbitrary Detention;**[30]

(viii) **The Special Rapporteur on the rights to freedom of peaceful assembly and of association.**[31]

113. **The Special Rapporteur enjoins the African Union to set up an appropriate accountability mechanism under the aegis of the African Union to hold perpetrators of crimes against humanity in Eritrea accountable for such crimes.**

114. **The Special Rapporteur encourages civil society to continue its important work of monitoring, documenting, reporting, analysing and raising awareness about the human rights situation in Eritrea to maintain a high level of scrutiny and to pave the way for accountability.**

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[29] Request sent in 2012, latest reminder sent in 2017.

[30] Request sent in 2018.

[31] Request sent in 2018.